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Chairperson  
Omaha

Lisa Kucera, RDH  
Vice-Chairperson  
Omaha

Michael O'Hara, JD, PhD  
Secretary  
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Lincoln

Dean Cope, DDS  
Cambridge

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Lincoln

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Omaha

Terrence Lanphier, DDS  
Omaha

VACANT POSITION

# NEWSLETTER

AUGUST 2021

## CHAIRPERSON'S LETTER

This will be my last newsletter for the Board of Dentistry. In November 2021 I will have completed my second term on the Board, a total of 10 years. Little did I realize that over those 10 years the board would be so involved in creating a new statute for sedation and the move to expand the duties of both dental hygienists and dental assistants. Looking back, the work on the statutes was fairly straightforward compared to the follow-on work of updating the rules and regulations of our profession.

A bit of background on how the Dental Practice Act has recently evolved. Prior to all of these recent changes, the Dental Practice Act was a compilation of both the statutes—laws passed by the unicameral, which was used as an outline; and the rules and regulations—documentation filling in the details of how the statutes would be carried out day to day. This left us as providers, with one comprehensive document providing all of the particulars, to practice within the law. Then the decision was made statewide to separate all of the statutes from the rules and regulations. Thus began a nearly 3 year process of rewriting the rules and regulations leaving out the statutory language and incorporating all of the changes on sedation and expanded functions. Finally on the December 23<sup>rd</sup>, 2020 the regulations received final approval. I would highly recommend that you read through the three regulations detailing the practice of dentists, dental hygienists and licensed dental assistants (172 NAC, 56, 57, and 53). These can all be found as links on the DHHS Dentist home page at <https://dhhs.ne.gov/licensure/Pages/Dentist.aspx> (or Google: Dental Regulations Nebraska). Please review the section on allowable continuing education courses, with the list of allowable topics expanded from prior continuing courses.

Within the old practice act was language regarding professional conduct and how this was policed. Each of the practice acts had somewhat similar language scattered throughout their rules and regulations with variations on such things as advertising. This language has now been removed from the rules and regulations section and is now offered in a document known as the Uniform Credentialing Act which is applied across the board to all licensed individuals in the state. This is a long 64 page document, also linked on the home page. While not all of it is important for our day to day practices, it does deal with advertising credentials, telemedicine, and Schedule II drugs as well as how the disciplinary process works. The Board depends on the above listed documents for determining discipline for dental providers, and having them in a final, approved version helps take away any ambiguity regarding a provider's discipline.

In this newsletter you will also find an article on the use of oral sedation (authored by Dr. David Blaha), and a description of the Licensee Assistance Program (LAP). The boards rely heavily on the LAP program to provide information about impaired providers.

I would also like to thank all of the members of our Board of Dentistry for their commitment to our profession and their attention to detail, helping to make critical decisions about our profession in this state, wading through the stack of reading material prior to each board meeting and keeping me on track. Through the passage of the new statutes the Board was given the added responsibility of approving continuing education courses for a number of areas including sedation, expanded functions (placing restorations) and expanded duties (denture adjustments, final impressions). A list of the approved courses are also linked on the home page listed above. I would also like to thank our State Dental Director, Dr. Fritz Craft and the Board of Directors of the Nebraska Dental Association for including the Board of Dentistry in its discussion of decisions regarding dentistry through the COVID-19 crisis. I can't say enough about the dedication of the leaders in dentistry in our state, acting in our behalf to advocate for dentistry during an exceptionally difficult time.

At many of our scheduled board meetings, questions are submitted to the Board asking for guidance from the Board about the legality of providing specific services. There is usually a very robust discussion before coming to a consensus. More recently a couple of topics were discussed. One asked the board to decide if a treatment, such as the ICON system for removing white spots from anterior teeth (usually done after active orthodontic treatment), could be provided by a dental hygienist. The consensus of the board was this service should be provided by a dentist.

Another topic dealt with the services provided by a dentist within the discipline of sleep medicine. The American Academy of Sleep Medicine and American Medical Association issued statements emphasizing that ordering a home sleep test to screen for sleep apnea was only to be provided by a medical provider. The contrasting opinion issued from the American Academy of Dental Sleep Medicine felt that ordering home sleep tests were within the scope of dentistry, arguing that this test is used to collect data for the patient who is then referred to a sleep medicine provider, allowing for a more expedient diagnosis and follow-on treatment. The Board felt that the ordering of a home sleep test would be similar to ordering any other diagnostic test, such as a finger stick glucose measurement for screening for diabetes, providing our medical colleges with more information upfront for making a diagnosis. The Board also felt that the formal diagnosis is to be carried out by a sleep medicine provider and if indicated, a referral for fabrication of a sleep appliance by a dentist would be appropriate.

## Meeting Highlights from 2018

**January 12, 2018**—The Board discussed 2018 legislation that included continuing education requirement for those that prescribe opiates, requirements for opiate prescriptions, and requiring identification prior to receipt of dispensed opiates. The approved the placing of silver diamine fluoride on children in public health settings by a dental hygienists under a public health authorization with proper training and upon receiving an "Informed Consent" form prior to applying the silver diamine.

**April 13, 2018**—The Board discussed Board Criteria for Approval of new dental assistant credentials.

**July 13, 2018**— Legislation passed requiring any credential holder that prescribes controlled substances will have to obtain 3 hours of continuing education biennially regarding prescribing opiates. Dentists can included these 3 hours within the 30 hours of continuing education required to renew their dental license.. The Board approved the CRDTS examination for the restorative 1 and 2 permits. The Board also discussed draft regulations for chapters 56, 57 and 53.

**October 19, 2018**— The Board listened to a presentation by Matt Gelvin, Program manager, Anna Harrison, RN, BSN, Compliance Monitor and Juan Ramirez, Research Assistant regarding disciplinary actions of credential holders over the last 5 years . The Board approved clinical examinations for the 2019 testing season. The Board addresses several practice questions ranging from marketing, tooth impressions for identification, and debridement as a part of oral prophylaxis.

## Meeting Highlights from 2019

**January 11, 2019**—The Board addressed concerns brought to their attention regarding dental hygienists applying silver diamine under a public authorization permit. The Board provide clarification on dentists admitting to hospitals and completing history and physicals.

**March 13, 2019**—The Board discussed drafted regulations on Chapters 54, 55, 58, and 56.

**March 13, 2019**—The Board discussed drafted regulations on Chapters 53, 57, and 54.

**April 19, 2019**—The Board discussed how expanded function hygienists can identify themselves. The Board also provided clarification on the allowable duties of a public health dental hygienist.

**July 12, 2019**— The Board viewed a presentation for the University of Minnesota regarding their expanded function course. The Board also discussed agreed that a public health hygienist could supervise nursing students wishing to learn how to place fluoride varnish.

**August 30, 2019**—The Board approved the draft regulations (Chapters 53, 56, and 57) for public hearing.

**October 25, 2019**— The Board voted to adopt the regulations for chapters 53, 54, 55, 56, 57, and 58. They discussed a practice question regarding removing white spots using ICON and determined that only a licensed dentist can perform the removal of white spots using icon infiltration. The Board approved clinical examinations for the 2020 testing season.

## Meeting Highlights from 2020

**January 10, 2020**—The discussed and approval several expanded scope function courses.

**April 10, 2020**—The Board held their meeting via conference call due to COVID. The Board discussed COVID-19 issues. The Board viewed a presentation by the Commission on Dental Competency Assessment (CDCA).

**July 17, 2020**— The Board discussed hearing summaries and adopted recent changes to the regulations for chapters 53, 56, and 57. The Board discussed the Department developed a waiver form for continuing education for the 2021 renewal period. The Board provided clarification on the use of nitrous oxide when performing minimal sedation.

**October 9, 2020**— The Board addressed a practice question regarding IV therapy and determined that it is not within the scope of practice of a dentist to provide IV therapy. The Board continued discussing issues involving COVID-19. The Board also viewed a presentation from the CDCA regarding the American Dental Examination (ADEX) Pathway. The Board also approved clinical examination for the 2021 testing season.

## Chair's Letter Continued

As some of you may be aware the federal government, as part the management of the COVID-19 pandemic issued the Public Readiness and Emergency Preparedness Act (PREP Act) amendment dated March 11, 2021, expanding the number of medical providers (regardless of the state statutes) to administer COVID-19 vaccinations only, during this time of crisis. The Board reviewed the amendment and that this expanded scope of care was being provided at a federal level, for which the Board would not challenge this modified scope of care during the pandemic. If you are interested in providing vaccinations, I encourage you to review the PREP Act for specifics about requirements and the liability of providing this type of care under the federal umbrella.

And in closing I would be lacking in my duties as Chairperson if I failed to thank the DHHS staff members and the Assistant Attorney General attorney for their expert advice in our day to day decision making. Without them guiding the Board through our statutory duties, we would be totally lost. Little did I realize when I was appointed to the Board, how important these individuals were to keeping our decisions on track and legal, which has become even more evident when I assumed the duties of the Chairperson. While all of these individuals have commitments across multiple boards with their respective needs, it always feels like we have our own personal staff members who answer our questions promptly with the utmost courtesy. Again, a hearty thank you to our support staff, you are a true credit to your departments.

Sincerely,



### Meeting Highlights from 2021

**January 8, 2021**—The Board discussed dental hygienist taking dental radiographs in a public health settings under a public health authorization as long as a dentists has authorized taking the dental radiographs and a dentist is reading the radiographs and providing follow-up as needed. The board approved performing 5 year moderate and general sedation inspection on offices remotely.

**April 9, 2021**—The Board discussed COVID-19 issues specifically dentist giving the vaccine. The Board also discussed dentistry's role in sleep medicine.

**July 9, 2021**— The Board listened to an explanation of the use of new simodont for testing provided by the Central Regional Dental Testing Service (CRDTS). The Board discussed the placing of tooth gems and determined that based on the information provided that it is clearly not the practice of dentistry. The Board also discussed whether a dental assistants could place sealants and it was determined that this would need to be a statutory change. The Board created an ad hoc committee to discussed Board composition.

**October 8, 2021**—

# Minimal Sedation in the Dental Office

Written by David Blaha, DDS

Anxiety reducing techniques utilizing primarily oral medications have been around in many forms for quite some time. It has only been in recent years that efforts have been aimed at regulating the use of what we now customarily define as Minimal Sedation. The ultimate goal of regulation is to provide the highest margin of safety for our patients. Minimal Sedation techniques will likely be a big part of many practices in the foreseeable future. Since the Minimal Sedation permit is relatively new to the State of Nebraska, it seems prudent to highlight some of the more important aspects of its use and answer some common questions received by your Board of Dentistry.

Minimal Sedation is defined as a minimally depressed level of consciousness provided by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal commands.

Although cognitive function and coordination may be moderately impaired, ventilatory and circulatory functions are unaffected.

A very common scenario includes a Benzodiazepene drug with or without nitrous oxide. Current guidelines and recommendations are that only one oral medication be utilized. By definition, if more than one oral medication is used, the technique has entered the realm of Moderate Sedation and must follow regulations appropriate for that level of anesthesia.

Historically, the move to regulate the practice of Minimal Sedation was due to morbidity and even mortality from excessive doses of oral medications. Hence the concept of MRD (Maximum Recommended Dose) has become an important part of current discussion and guidelines. Limiting the dose of an oral medication to the MRD of the drug for unmonitored home use is intended to avoid an unexpected loss of consciousness and/or placing the patient in a much deeper level of anesthesia than intended. Most sources seem to agree that a single drug, in either single or divided doses, not to exceed the MRD of the drug, will achieve effective sedation and provide a generous margin of safety.

# Minimal Sedation in the Dental Office

(continued)

Nebraska Statute 38-1141 is your resource for requirements to apply for a Permit to administer Minimal Sedation. Title 172, Chapter 56 of Rules and Regulations specifically addresses facility requirements in more detail. These documents are easily accessible on the DHHS dental licensing site.

Common FAQ's include:

Q: May a night before sedative dose be given? A: Yes

Q: May nitrous oxide be given with a single oral drug? A: Yes

Q: Is it okay for the patient to take the initial oral dose on the way to the office? A: Yes

And as always, the capable of friendly staff in DHHS licensing are happy to answer any questions regarding Nebraska anesthesia permits. They may be reached at 402-471-3121

The bottom line is that Minimal Sedation can be a safe and effective tool for managing anxious patients in the dental office. But as in any situation where anxiolytic medications are administered to our patients, we must remain cautious and be prepared to manage unintended responses to said medications.

## NEED FOR CONSUMER MEMBERS ON SEVERAL PROFESSIONAL BOARDS

We are still seeking public members for the boards of Dentistry; Funeral Directors and Embalmers; Hearing Instrument Specialists; and Medical Nutrition Therapy. <https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>. These boards meet from 1-4 times per year. Please share this opportunity with unlicensed friends, neighbors, etc. For any questions, please contact Monica Gissler at [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov) or 402/471-2948.

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# Nebraska Licensee Assistance Program

A benefit for State of Nebraska professional health and health-related service licensees, certificate holders and registrants



## Professional Assistance for Health Service Professionals

A variety of professional alcohol and substance use assistance services have been made available specifically for licensees, certificate holders and registrants (credential holders) issued a credential by the State of Nebraska Health and Human Services, Division of Public Health, Licensure Unit. The Nebraska Department of Administrative Services has contracted with Best Care Employee Assistance Program to provide the Nebraska Licensee Assistance Program (NE LAP) as a professional alcohol and substance use assistance resource for Nebraska credential holders.

Credential holders are at an increased risk for alcohol and other substance use disorders. Professional demands, compounded by the unique aspects of practice-related factors, can increase the chances that a credential holder will misuse alcohol or drugs. If allowed to continue, many credential holders may find themselves in a cycle of an alcohol or substance use disorder which can adversely affect their personal lives and jeopardize their professional careers.

You, or someone you know, may be a credential holder being adversely impacted by alcohol or substance use, and continued alcohol or substance use could cause even more serious personal or professional practice problems. The NE LAP services are available for assistance with these types of situations.

### NEBRASKA LICENSEE ASSISTANCE PROGRAM

A SERVICE OF BEST CARE EAP

This activity is supported, in whole or part, under contract with the Nebraska Department of Administrative Services, from licensee, certificate holder and registrant fees paid to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure Unit.

## Services

The NE LAP provides professional alcohol and substance use assessments, treatment recommendations and referral assistance, case management/monitoring and educational sessions.

The NE LAP offers credential holders an opportunity to discuss alcohol and substance use issues openly and confidentially with the professionally trained NE LAP staff. NE LAP staff are fully qualified to provide alcohol and substance use assessments and can guide credential holders toward a helpful understanding of their alcohol or substance use problems. With the assistance of the NE LAP and treatment providers, alcohol and substance use problems can be successfully resolved and credential holders can recover healthy personal, professional practice, and community lives.

## Cost and Eligibility

All NE LAP services are free of charge, including alcohol and substance use assessments when conducted by the NE LAP. However, alcohol and substance use counseling, treatment or other assistance from community resources may be needed. The NE LAP will refer credential holders to the most appropriate treatment provider. These expenses are the responsibility of the credential holder.

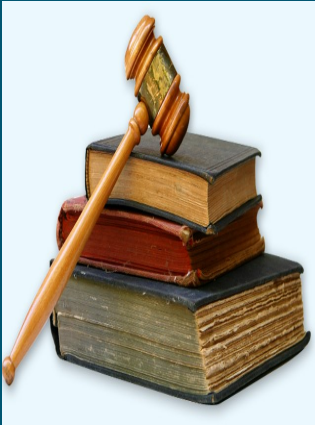
Health and health-related service professionals holding a license, certification or registration from the State of Nebraska are eligible for NE LAP services. The NE LAP or the Division of Public Health, Licensure Unit can be contacted for further information on eligibility.

## Service Access

For more information, or to schedule a consultation, an alcohol or substance use assessment, or an educational session on alcohol and substance use problems, contact the NE LAP Monday through Friday from 8:00 AM to 4:30 PM. Crisis and emergency services are available twenty-four hours a day, seven days a week. You may also visit the NE LAP web site at [www.lapne.org](http://www.lapne.org).

Center Pointe Professional Plaza  
9239 W. Center Road, Suite 201  
Omaha, NE 68124-1900  
Phone: 402.354.8055  
Toll free: 800.851.2336  
Fax: 402.354.8046

# DISCIPLINARY ACTIONS SINCE JANUARY 2018



Licensee	Action(s)	Violation(s)
Stephanie A. Klimiades, DH	5 years Probation	
Mickey Ray White, Jr., DH	3 years Probation Censure Civil Penalty \$500	
Scott William Beck, DDS	Censure	
Daniel Kevin Byrd, DDS	2 years Probation	
Matthew James Coon, DDS	3 years Probation	
Katherine Marie DiPrima, DDS including Minimal Sedation permit	Censure	
Gregory Louis Garro, Jr, DDS	Revocation	
Travis Zean Kirkland, DDS	Revocation	
Farrah Lynn Platte, DH, DDS	5 years Probation	
David Edward Seger, DDS	1 year Probation	
James Edward Thalken, DDS	Revocation	





**MEETING DATES FOR 2022:**

January 7, 2022

April 22, 2022

July 22, 2021

October 7, 2022

January 6, 2023

**You can find the 2022 meeting dates posted on the Department website at:**

**<http://dhhs.ne.gov/publichealth/Pages/>**

**Board of Dentistry Officers:**

Dennis Anderson, DDS, Chair

Lisa Kucera, RDH, Vice-Chair

Michael O'Hara, JD, Secretary

**Office of Medical & Specialized Health**

- ◆ Jesse Cushman, Program Manager
- ◆ Vonda Apking, Health Licensing Coordinator
- ◆ Tressa Waterman, Health Licensing Specialist

**License Statistics**

License/Permit/Certification Totals (as of 9/29/2021)

\*This column is based on those licenses/permits/certifications issued since 1/1/2018.

	<u><b>Total Active</b></u>	<u><b>Issued*</b></u>	<u><b>Issued by Reciprocity</b></u>
Dentist Licenses	1617	298	74
Dental Hygienist Licenses	1505	274	43
General Anesthesia Permits	115	63	
Moderate Sedation Permits	53	18	
Minimal Sedation Permits	280	80	
Local Anesthesia Certifications	1330	263	
Public Health Authorizations	142	71	
Dental Temporary Licenses	16	31	
Dental Faculty Licenses	13	6	
Locum Tenens	1	1	
Licensed Dental Assistants	95	95	
Restorative I	8	8	
Restorative 2	8	8	
EO 20-27 Provisional DH	0	0	
EO 20-27 Provisional DDS	0	1	

## Change of Address?

If you have moved or changed your business or mailing address, please remember to contact the Department staff with the new information Or you can update your address online by using the following link: <https://nebraska.mylicense.com/> . The US Postal Service has limitations on forwarding mail to a new address. You are responsible for meeting all renewal dates. If our mailings do not reach you, this does not release you from your professional responsibilities to maintain your license.

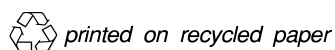
Any questions? Please contact the staff at:  
Department of Health and Human Services  
Division of Public Health  
Licensure Unit  
301 Centennial Mall South  
PO Box 94986  
Lincoln NE 68509-4986

Phone: 402/471-2118  
Fax: 402/742-8355  
E-Mail: [dhhs.medicaloffice@nebraska.gov](mailto:dhhs.medicaloffice@nebraska.gov)



### DEPT. OF HEALTH AND HUMAN SERVICES

The Nebraska Department of Health and Human Services is committed to affirmative action/equal employment opportunities and does not discriminate in delivering benefits or services.



Department of Health and Human Services  
Division of Public Health

Licensure Unit  
PO Box 94986  
Lincoln NE 68509-4986

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